

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

COLLEGE REPUBLICANS OF THE
UNIVERSITY OF WASHINGTON; CHEVY
SWANSON, an Individual;

Plaintiffs,

vs.

ANA MARI CAUCE, in her official capacity as president of the University of Washington;
GERALD J. BALDASTY, in his official capacity as provost and executive vice president;
RENE SINGLETON, individually and in her official capacity as assistant director, Student Activities; **CHRISTINA COOP**, individually and in her official capacity as senior activities advisor, Student Activities; **JOHN N. VINSON**, individually and in his official capacity as Chief of the University of Washington, Seattle, Police Department; **CRAIG WILSON** individually and in his official capacity as University of Washington, Seattle, Police Department Patrol Commander; and DOES 1-25;

Defendants.

Case No.:

[PROPOSED] TEMPORARY
RESTRAINING ORDER AND ORDER TO
SHOW CAUSE FOR PRELIMINARY
INJUNCTION

[42 U.S.C. 1983]

Upon consideration of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunctive relief, the parties' briefing, and oral argument, this Court finds that Plaintiffs have demonstrated a need for preliminary injunctive relief in this case in that Plaintiffs will suffer immediate and irreparable injury due to the arbitrary application of Defendants' vague security fee policy which is both facially unconstitutionally vague in that it vests unbridled discretion with government officials and was unconstitutional as applied against Plaintiffs in that it constitutes a de facto suppression of Plaintiffs' constitutional rights of expression, association and assembly without regard to Plaintiffs' rights to due process and equal protection.

Accordingly, the Court finds that Plaintiffs have established the likelihood of success on their claims since Defendants have violated the Free Speech Clause of the First Amendment to the U.S. Constitution by the arbitrary and excessively large assessment of security fees upon Plaintiffs in connection with their event scheduled for Saturday, February 10, 2018.

The balance of equities tips sharply in Plaintiffs' favor and the public interest favors an injunction.

IT IS ORDERED that Plaintiffs' Motion for Temporary Restraining Order is GRANTED as follows:

1. Defendants shall grant Plaintiffs a permit to present their Freedom Rally on Saturday afternoon at Red Square within the UW Seattle campus;
2. Defendants shall assess a security fee only on the basis of objective criteria that does not take into account the amount of anticipated security needed due to protesters attempting to disrupt the event, cause it to be canceled or causing violence. Said

1 assessment shall be reviewed by the Court as evidence at the hearing on the
2 preliminary injunction;

3 3. Defendants shall furnish security at Plaintiffs event Saturday, February 10, 2018, as
4 deemed necessary and adequate to respond to all foreseeable safety issues.

5 IT IS FURTHER ORDERED that bond shall be waived.

6 A preliminary injunction hearing is set for February ____ 2018, at _____ AM/PM.

7 Unless otherwise directed by the Court, counsel for the parties shall appear for that hearing in
8 person. The parties may file a motion, response, and reply papers regarding a preliminary
9 injunction; if no such filings are made, the Court shall deem the existing filings as preliminary
10 injunction papers.

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13 IT IS SO ORDERED. The District Court Executive is directed to enter this order and
14 provide copies of the same to counsel of record.

15 DATED this ____ day of February 2018.

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20 UNITED STATES DISTRICT JUDGE